

REMARKS/ARGUMENTS

Applicant thanks the Office for the attention accorded the present Application in the Action dated October 03, 2008. Applicant respectfully request reconsideration of the subject application as amended herein.

I. STATUS OF THE CLAIMS

In the Action, Claims 25-52 are pending. Claim 25, 29, 31-33, 35, 37, 38, 42, 44 and 46 have been amended. No new matter has been entered.

Claims 25, 27, 29, 31-32, 36-40, 42, 48-49 were rejected under 35 U.S.C. § 102(b) (hereinafter “Section 102(b)”) as being anticipated by Sonnenfeld (U.S. Pat. 6112049, hereinafter “Sonnenfeld”).

Claims 26, 28, 30, 35 and 45 were rejected under 35 U.S.C. § 103(a) (hereinafter “Section 103(a)”) as being unpatentable over Sonnenfeld.

Claims 33-34 were rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of O’Brien. (U.S. Pat. 6651071, hereinafter “O’Brien”).

Claim 41 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Blonder. (U.S. Pat. 5760771, hereinafter “Blonder”).

Claim 46 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Blonder and further in view of O’Brien.

Claim 43 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Budra. (U.S. Pat. 6726486, hereinafter “Budra”).

Claim 47 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Parry (U.S. Pat. 6077085, hereinafter “Parry”).

Claim 50 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Lundberg. (U.S. Pat. 5980264, hereinafter “Lundberg”).

Claim 51 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Parry and further in view of Sweitzer (U.S. Pat. 6018617, hereinafter “Sweitzer”).

Claim 52 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Naughton (U.S. Pat. 6154209, hereinafter “Naughton”).

Applicant respectfully traverses the rejections and requests reconsideration for all pending claims in light of the remarks below.

II. 35 U.S.C. §102(b) REJECTIONS

The Office Action has rejected Claims 25, 27, 29, 31-32, 36-40, 42, and 48-49 as being anticipated by Sonnenfeld under Section 102(b).

1. Claim 25

Claim 25 has been amended to clarify the claim and recite in part “at least one well classified data input, organizing and management module for the user to personalize organization of the data in the databank based on the user’s determined classifications”; and “data having been selected by the user by finding the same based on the user selecting from presented options including searching by none of a plurality of “FIND” conditions, one of the “FIND” conditions, and more than one of the “FIND” conditions...”

Support for the amendments are found throughout Applicant’s specification. In particular, in at least pars. [0001], [0034], [0180]-[0181] discuss the user organizes the data based on “personal interest” and stored by user built classifications and further retrieves data when presented with a user interface for selecting/entering “FIND” criterion.

The Office Action has rejected claim 25 by stating that Sonnenfeld teaches an interactive system for building, organizing, and sharing one’s own databank of questions and answers in a variety of questioning formats using a computer system (column 1 lines 56-60), comprising a user interface (column 3 lines 43-44), well-classified databases to store data user wise including a user database (column 3 lines 46-48), well classified data input, organizing, and management module (column 4 lines 40-44), modules for sharing, invoking, storing, evaluating, and improving one’s knowledge using the data from the databank, said data having been selected by a user by “FIND” conditions (column 5 lines 7-8), and a control system acting as a bridge between the user interface and the databases (column 8 lines 46-48).

Applicant has reviewed the Sonnenfeld patent included all the cited references to it, and respectfully contends that Sonnenfeld does not teach each and every claim limitation of amended claim 25, as required for a rejection under Section 102(b). Sonnenfeld is an automated electronic test taking system in which a test is created by a test designer for an unrelated user (the test taker). However, in claim 25, the system deals with a “user’s own databank of questions and answers”, the user further “personalize[s] organization of the data in the databank based on the user’s determined classifications”. Sonnenfeld teaches nowhere that a user’s own databank of questions and answers is implemented, but only generally discusses a test designer designing and administering of a hierarchical testing scheme for a separate test taker. There is simply no teaching of a “user’s own databank” taught in Sonnenfeld. Neither does the user “personalize organization” of their own data in the databank and determine classifications. Rather, the equivalent user in Sonnenfeld who is the “test taker”, has no part in the using of his/her “own databank” or in classifying the data.

Moreover, Sonnenfeld fails to teach the amended claim 25 element of “data having been selected by the user by finding the same based on the user selecting from presented options including searching by none of a plurality of “FIND” conditions, one of the “FIND” conditions, and more than one of the “FIND” conditions...” Contrary to the cited language of Sonnenfeld, col. 5, lines 5-7 which reads “... (such as a calculator) and the Internet (such as other web pages) to aid the test taker in taking the test. The “Interactive Testing System” (“ITS”) uses the fol-...”, Applicant respectfully does not see anywhere in these cited lines or in Sonnenfeld as a whole, of the required elements of “data having been selected by the user by finding the same based on the user selecting from presented options including searching by none of a plurality of “FIND” conditions, one of the “FIND” conditions, and more than one of the “FIND” conditions”. At most, there is language in Sonnenfeld referred to as “the Internet (such as other web pages) to aid the test taker in taking the test”, however, this language in no manner teaches that the user selects from the data in their “own databank” by finding the data from “presented options including searching by none, one, and more than one “FIND” condition.” Using the “Internet” by no means teaches the user is using their own databank of questions and answers or of the presented options as claimed.

Accordingly, as Sonnenfeld fails to teach each and every claim limitation of amended claim 25, Applicant respectfully submits that amended claim 25 is novel and allowable. Withdrawal of the rejection under Section 102(b) is respectfully requested.

2. Claims 27, 29, 31-32, 36-40, 42, 48-49

Since claims 27, 29, 31-32, 36-40, 42, 48-49 each depend directly or indirectly from amended claim 25, they each include all the limitations of their base claim 25. Accordingly, Applicant respectfully submits that these dependent claims are allowable for at least the same reasons as amended claim 25, along with the additional limitations they each recite.

For example, claim 29 in particular has been amended such that a databank is built of “questions and answers based on the understanding of said passages in various questioning formats, wherein the passage pertaining to its set of questions and answers are stored along with its set of questions and answers as part of the user’s searchable databank”. Support for the amendment is found throughout Applicant’s specification for instance, in pars. [0001], [0035], [0046-0049], [0287], [0314].

Contrary to the Office Action, the cited lines in Sonnenfeld do not teach each and every element of claim 29 as dependent on claim 25. In particular, the generalized statement of “give the test designer control over every aspect of test design” and a recitation of tests, quizzes, surveys, questionnaires, trivia quizzes and a sequence of questions and answers in Sonnenfeld does not teach or suggest the required elements of claim 29. The cited reference fails to teach of building a user’s “databank of passages by well-defined classifications” and “questions and answers based on the understanding of said passages”, “wherein the passages...are stored along with its questions and answers as part of the user’s searchable databank.”. Nowhere in Sonnenfeld’s building blocks of tests, quizzes and Q/A does are there specifically taught or suggested “passages” or the storage of such “passages” “with its questions and answers”, nor is there a showing that such “passages” are “searchable” in the user’s “databank”. It cannot be assumed by Sonnenfeld that such elements are taught. Accordingly, amended claim 29 is believed novel over Sonnenfeld.

Furthermore, claim 42 has been amended to claim “copying of existing classification and previously entered data exclusive of its previously associated question...” Support for the amendment can be found throughout Applicant’s specification, for instance, pars. [0174]-[0176] and [0250]-[0255]. Sonnenfeld only teaches of copying of entire questions as cited in column 26, lines 28-34 and col. 45, line 63 to col. 46, line 6. However, there is no teaching or suggestion of a copying existing “classification” ...”exclusive of its previously associated question”. This amendment to claim 42 clarifies that the system provides for a utility for copying a “classification” on its own for ease of data entry. This is completely different from a utility for copying an entire question as taught in Sonnenfeld. Accordingly, amended claim 42 is believed novel over Sonnenfeld.

Therefore, it is respectfully requested that the rejection of dependent claims 27, 29, 31-32, 36-40, 42, 48-49 under Section 102(b) be withdrawn.

III. 35 U.S.C. §103(a) REJECTIONS

1. Claims 26, 28, 30, 35 and 45

Claims 26, 28, 30, 35 and 45 were rejected under Section 103(a) as being unpatentable over Sonnenfeld.

As discussed above, claim 25 has been amended and claims the “user’s own databank of questions and answers”, “at least one well classified data input, organizing and management module for the user to personalize organization of the data in the databank based on the user’s determined classifications”; and “data having been selected by the user by finding the same based on the user selecting from presented options including searching by none of a plurality of “FIND” conditions, one of the “FIND” conditions, and more than one of the “FIND” conditions...”

Claims 26, 28 and 30 all depend directly or indirectly from amended claim 25 and therefore require all the same limitations as amended claim 25. As discussed above with respect to Sonnenfeld, not all the claimed limitations of amended claim 25 have been taught or suggested. Accordingly, as there is no prima facie case of obviousness made since not all

the claimed limitations have been shown by Sonnenfeld or in combination with knowledge of those of ordinary skill in the art at the time of the invention. Sonnenfeld discusses a completely different system in which a test designer is in control of creating an automated test for other test takers. There is simply no teaching or suggestion of a “user’s own databank of questions and answers”, modules for the “user to personalize organization of the data in the databank based on the user’s determined classifications”. Neither is there any teaching of the “user selecting from the presented options including searching by none,...one, ..or more than one of the “FIND” conditions” as required by amended claim 25.

Dependent claims 26 and 28, recite specifically, classifications of the data, which the user classifies, are unobvious as the underlying claim is unobvious since not all the required limitations are shown. Further, claim 30 which depends from claim 29, in which “passages pertaining to its questions and answers are stored along with its questions and answers as part of the user’s searchable databank” has not been taught or suggested by Sonnenfeld, is further unobvious as Sonnenfeld does not teach or suggest the user classifying the data in the “user’s searchable databank”.

With regard to dependent claim 35, again, there is no showing in Sonnenfeld of the user creating tests or quizzes and printing the said tests of quizzes “by various classifications” and further assigning marks to each question from the data in the “user’s databank” through the specified presented options of “FIND” conditions. Sonnenfeld pertains to the test designer which is does not teach anywhere, “the user’s own databank of questions and answers”. Furthermore, Sonnenfeld teaches away from facilitating a user’s “printing of tests” by teaching encrypting to limit interception and appropriation of content and further “blocks printing or saving”. This in no manner suggests that the “user” (Sonnenfeld’s test taker) is provided with a Module for printing the tests or quizzes, let alone by “classifications”. Neither is there any assigning of marks to each question by the “user” based on the data from their own databank.

With regard to dependent claim 45, the discussion above with respect to amended claim 25 applies herewith. Not only is there no user’s own databank, but neither is there a teaching of the user being “presented options including searching by none..., one..., and more

than one of the “FIND” conditions” of their own databank. Moreover, no where is there any suggestion for the “FIND” conditions to be defined by classifications of the user’s own data.

Accordingly, Applicant respectfully requests withdrawal of the rejection of the claims under Section 103(a) over Sonnenfeld as not all the limitations of the claims are taught.

2. Claims 33 and 34

Claims 33-34 were rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of O’Brien.

Claims 33-34 include all the limitations of their base claim 25. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in order to show a *prima facie* case of obviousness. Sonnenfeld in combination with O’Brien fail to teach or suggest all the claimed limitations. In reviewing O’Brien for the deficiencies of Sonnenfeld, and taking the references in combination, O’Brien still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld. As further stated in the Action on page 8, Sonnenfeld fails to teach the claimed limitations of claim 33, “Self Evaluation Test Module” and “invoke and store self evaluation tests”. The Action states that O’Brien teaches these limitations. However, in reviewing O’Brien, “self evaluation tests” are not taught anywhere, but rather “self assessment of performance” by way of “student feedback”. This is NOT the same as a “self evaluation test” in which claim 33 recites “being taken in a variety of test formats using the data from the databank”. Further the user in claim 33 takes the “self evaluation test” by way of the user selecting from the presented options for searching the “FIND” conditions”.

Nowhere in the teachings of Sonnenfeld in combination with O’Brien are all the claimed limitations of claim 33 shown. Sonnenfeld does not teach a test taker creating their own self evaluation test based on “FIND” conditions, and O’Brien simply teaches of student feedback for a self assessment, making no suggestion for an actual test. Contrary to Sonnenfeld and O’Brien, the user in claim 33 is taking a self evaluation test of actual test questions which is no where shown by a user giving his or herself “feedback”.

Similarly with dependent claim 34, the arguments with respect to claim 33 apply herewith . Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 33-34 under Section 103(a) over Sonnenfeld and O'Brien as they do not teach or suggest all the limitations of the claims.

3. Claim 41

Claim 41 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Blonder.

Claim 41 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in order to show a prima facie case of obviousness. Sonnenfeld in combination with Blonder also fail to teach or suggest all the claimed limitations. In reviewing Blonder for the deficiencies of Sonnenfeld, and taking the references in combination, Blonder still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld.

4. Claim 43

Claim 43 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Budra.

Claim 43 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in order to show a prima facie case of obviousness. Sonnenfeld in combination with Budra also fail to teach or suggest all the claimed limitations. In reviewing Budra for the deficiencies of Sonnenfeld, and taking the references in combination, Budra still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld.

5. Claim 46

Claim 46 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Blonder and further in view of O'Brien.

Claim 46 depends from claim 45 and includes all the limitations of base claim 25 including additional limitations. Claim 46 has been amended also to recite "prior to taking another self evaluation test". (Supported in Applicant's specification, par. [0427]) As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in order to show a *prima facie* case of obviousness. Sonnenfeld in combination with Blonder and O'Brien also fail to teach or suggest all the claimed limitations. In reviewing Blonder and O'Brien for the deficiencies of Sonnenfeld, and taking the references in combination, Blonder and O'Brien still fail to provide for all the claimed limitations of amended claim 25 and amended claim 46 which have been considered in combination with Sonnenfeld.

6. Claim 47

Claim 47 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Parry.

Claim 47 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in order to show a *prima facie* case of obviousness. Sonnenfeld in combination with Parry also fail to teach or suggest all the claimed limitations. In reviewing Parry for the deficiencies of Sonnenfeld, and taking the references in combination, Parry still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld.

7. Claim 50

Claim 50 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Lundberg.

Claim 50 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in order to show a prima facie case of obviousness. Sonnenfeld in combination with Lundberg also fail to teach or suggest all the claimed limitations. In reviewing Lundberg for the deficiencies of Sonnenfeld, and taking the references in combination, Lundberg still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld.

8. Claim 51

Claim 51 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Parry and further in view of Sweitzer.

Claim 51 depends from and includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in order to show a prima facie case of obviousness. Sonnenfeld in combination with Parry and Sweitzer also fail to teach or suggest all the claimed limitations. In reviewing Parry and Sweitzer for the deficiencies of Sonnenfeld, and taking the references in combination, Parry and Sweitzer still fail to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld.

9. Claim 52

Claim 52 was rejected under Section 103(a) as being unpatentable over Sonnenfeld in view of Naughton.

Claim 52 includes all the limitations of base claim 25 including additional limitations. As discussed above with respect to amended claim 25, not all the claimed limitations have been taught by Sonnenfeld in order to show a prima facie case of obviousness. Sonnenfeld in combination with Naughton also fail to teach or suggest all the claimed limitations. In reviewing Naughton for the deficiencies of Sonnenfeld, and taking the references in

combination, Naughton still fails to provide for all the claimed limitations of amended claim 25 which have been considered in combination with Sonnenfeld.

Accordingly, Applicant respectfully notes that all the references have been reviewed in combination where applicable, and have been shown to be deficient in combination, in meeting the requirements for a showing of obviousness. Applicant therefore respectfully requests withdrawal of the rejection against claims 26, 28, 30, 33-35, 41, 43, 45-47 and 50-52 under Section 103(a).

IV. CONCLUSION

The above-discussed remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

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/Juneko Jackson/
Otto O. Lee (Reg. No.: 37,871)
Juneko Jackson (Reg. No.: 48,870)
Intellectual Property Law Group LLP
Attorneys for Applicant

Atty Docket No.: KRISHNA.GORADIA.PT1
Contact No.: 408-286-8933